

Report Date: June 16, 2010

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 17 2010

JAMES R. LARSEN, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**  
DEPUTY  
RICHLAND, WASHINGTON

Name of Offender: Justin Robert Gallagher

Case Number: 2:09CR00035-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 1/17/2008

Original Offense: Failure to Pay Legal Child Support, 18 U.S.C. § 228(a)(3)

Original Sentence: Probation - 60 Months

Type of Supervision: Probation

Asst. U.S. Attorney: Aine Ahmed

Date Supervision Commenced: 1/17/2008

Defense Attorney: Roger Peven

Date Supervision Expires: 1/16/2013

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**PETITIONING THE COURT**

**To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 4/20/2010.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by committing the offenses of driving with a suspended license in the third degree and driving under the influence on or prior to June 11, 2010.

On June 11, 2010, the defendant was contacted by a Benton County Deputy Sheriff after he was seen driving with an unsecured load on a trailer. Upon being contacted, the defendant advised the deputy he did not have a valid drivers license. The incident report noted the deputy could smell the odor of intoxicants coming from the defendant as they spoke. The deputy conducted a field sobriety test, which the defendant failed. The deputy requested the defendant take a portable breath test which the defendant agreed to. The defendant blew a .051. The defendant was subsequently arrested and charged with driving on a suspended license and driving under the influence and booked into the Benton County Jail under case number 10-08937.

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- 6 **Special Condition # 22:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** As noted above, the defendant was contacted by a deputy with the Benton County Sheriff's Department on June 11, 2010. The deputy used a portable breathalyzer to make an initial assessment of the defendant's blood alcohol level. The initial screening was at .051. The defendant initially denied using any alcohol. After questioning if he was going to go to jail, he stated he had consumed one beer. After having the defendant sit down, contact was made with the passenger in the vehicle. The passenger admitted to consuming several "beers". The passenger advised the deputy the defendant had also consumed several "beers". The defendant was booked in to the Benton County Jail where he agreed to take a BAC test. The results were .017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/16/2010

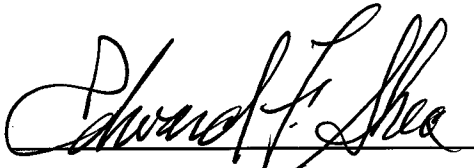
s/David L. McCary

David L. McCary  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☒ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Other
- JES*



Signature of Judicial Officer

4/17/10  
Date